

ORIGINAL
(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(1) Thomas R. Miller #44108
(Name of Plaintiff) (Inmate Number)

Delaware Correctional Center 1181 Paddock RD
(Complete Address with zip code) Smyrna De 19921

7 0 6 - 3 4 9 -

(2) _____
(Name of Plaintiff) (Inmate Number)

(Case Number)

(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

CIVIL COMPLAINT

- (1) Warden Thomas Carroll
- (2) Dr. Maggie Bailey Administration Medical Dept
- (3) Contractor CMS ST LOUIS MO
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

Jury Trial Requested

Yes

21 MAY 25 PM 3:51
FILED
CLERK US DISTRICT COURT
DISTRICT OF DELAWARE

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

I do not have the case numbers. this been years ago.
But I can give you dates 1992, 1993 and 1994. Each case
at the time was initially dismissed, each time I was granted
forma Pauperis. In 2004 Judge skeet (quoted) I would have to pay
a filing fee \$150.00 dollars for civil complaint, except a case of
cruel and unusual punishment 8th Amend violation, such as
this complaint I'm presenting to you behind Medical negligence,
from the complete medical staff of being over medicated with iron
pills that caused acid reflux disease. This case should proceed
on forma Pauperis. (which I suffer daily.)

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? • Yes • No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • No

C. If your answer to "B" is Yes:

1. What steps did you take? I grieved the medical issue

2. What was the result? Investigation sent 9-21-2005 to Lee Anne Dunn. Reorder Zantak 10/05/05

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(2) Name of second defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(3) Name of third defendant: _____

Employed as _____ at _____

Mailing address with zip code: _____

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

FOR BEING OVERMEDICATED.

1. In February 2004 I put a sick call in for high blood pressure as I thought, but after seeing Dr. Maggie Bailey I was then put on iron pills for having a low hemoglobin (blood) level twice a day morning and evening. In the middle of June 2004 I discovered during and after meals I would throw up and stomach acid come out of my esophagus. I then told the head nurse Brenda Haruarta she stated that I have been overmedicated with iron pills that caused acid reflux. I then was placed on Zantak permanent by headnurse. I never had acid reflux disease in my entire life. Also the medical records will show that as well. From November 2004 to September 2005 I was cut off from receiving Zantak on permanent basis. I was being charged for 6 weeks worth of zantak
- 2.
- 3.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I want the Court to grant my complaint under the Civil Rights Act 42 U.S.C. § 1983 and 8th Amend cruel and unusual punishment for being over medicated from iron medication from a professional staff whom suppose to know their job, as well as diagnosis that's

2. pertaining within the file (medical) that's dated.
Nurses staff failed to pull my medical file behind
inexperience, which Plaintiff still suffers from
acid reflux disease. Behind Medical negligence
from staff daily.

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

22 May
Signed this 22 day of May, 2006.

Thomas R Miller
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

IV. STATEMENT OF CLAIM

twice a day to the supply runs out, just to put another sick call slip in to be charge again. At this time I put an medical grievance in. On the date of 9-21-05 to investigator Lee Anne Dunn and RN Meggett reordered Zantac on 10-5-05. I was again cut off medication. Back in January 06 I just started to receive Zantac one week ago. I still have acid reflux disease and must have medication. if not this can lead to heart and other diseases ailments. behind Medical negligence from staff. This is a scary feeling when acid backs up in the esophagus, which happens at times on medication, but more so without it. Also Medical Records will show I never had acid reflux disease when I first arrived at DCC back in 1993, or in my entire life.

PRAYER FOR RELIEF

Wherefore, Plaintiff demands that a declaratory judgement be entered against defendants, jointly and severally, in addition to all other damages in favor of Plaintiff

- I. For \$100,000 dollars compensatory damages from each named defendant for damages and injury of being overmedicated which led to acid reflux disease to plaintiff.
- II. For \$100,000 dollars for punitive damages from each named defendant for damages specified implied in this civil complaint in addition to all other relief.
- III. For damages for mental anguish and emotional distress.
- IV.
- V. For nominal and special damages.
- VI. For declaratory judgement and injunctive relief.
- VI. For any other relief this Court may deem appropriate.

5-22-
DATED: 0-30-2006

Respectfully submitted,
Thomas R Miller
Thomas R Miller
Delaware Corr. Center
Smyrna, Delaware 19977

Certificate of Service

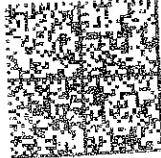
I, Thomas R. Miller, hereby certify that I have served a true and correct cop(ies) of the attached: 5 civil complaints under Civil Rights Act 42 U.S.C. 1983 upon the following parties/person (s):

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 22 day of MAY, 2006

Thomas R. Miller



IM Thomas R. Miller
SBI# 144108 UNIT Min/SHW Bldg 21 D-U-8
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

To: Clerk
U.S. District Court
Lockbox 18
844 N. King Street
Wilmington, DE 19801
SWAG